

application to which priority is claimed under 35 U. S. C. § 120 as follows. This application is a continuation of Application No. 10/457,935, filed June 10, 2003, which is a continuation-in-part of Application No. 10/342,649, filed January 15, 2003, now Patent 6,890,503 issued September 14, 2004, which is a continuation-in-part of Application No. 10/090,855, filed March 4, 2002, which is a continuation-in-part of Application No. 09/661,062, filed September 13, 2000, now Patent 6,451,402, issued on September 17, 2002, which is a continuation-in-part of Application No. 09/557,135, filed April 25, 2000, abandoned, which is a continuation-in-part of Application No. 09/438,864, filed November 12, 1999, now Patent No. 6,280,811, issued on August 28, 2001, which is a continuation-in-part of Application No. 09/102,163, filed June 22, 1998, now Patent No. 6,007,889, issued on October 28, 2002; this Application no. 10/822,619 is also a continuation-in-part of Application No. 10/409,037, filed on April 8, 2003, abandoned, which is a continuation of Application No. 09/834,775, filed on April 13, 2001, now Patent No. 6,544,616, issued on April 8, 2003, which claims the benefit of Provisional Application 60/219,843. These patents have been identified on an accompanying INFORMATION DISCLOSURE CITATION FORM.

This Statement is being submitted more than three months after the filing date of the application and after the mailing of the first Office Action on the merits, but before the mailing of a final action under §1.113 or a Notice of Allowance under §1.311. Therefore, a credit card authorization in the requisite amount of \$180.00 for this IDS filing is enclosed. Please charge any additional fees or credit any overpayments to Deposit Account No. 23-3030, but not to include any payment of issue fees. Also enclosed is a brief summary of on-going legal actions involving patents related to the instant application. The paper summarizing litigation related to the application is provided to comply with MPEP §2001.06.

The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in § 1.56(b).

Respectfully submitted:

A handwritten signature in black ink, appearing to read "John J. Emanuele", is written over a horizontal line.

John J. Emanuele

Reg. No. 51,653

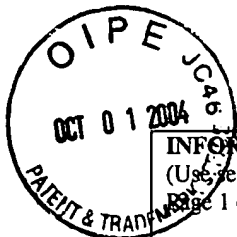
Woodard, Emhardt, Moriarty, McNett & Henry

Bank One Center Tower

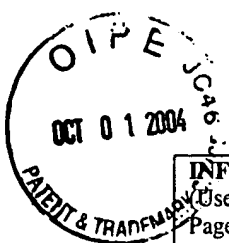
111 Monument Circle, Suite 3700

Indianapolis, Indiana 46204-5137

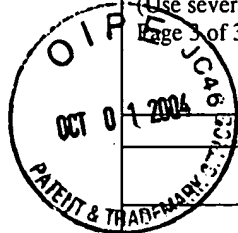
(317) 634-3456



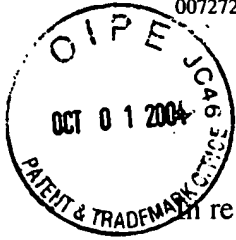
INFORMATION DISCLOSURE CITATION: (Use several sheets if necessary) Page 1 of 3 007272-000053.305503		Atty. Docket No.: 7272-53	Serial No.: 10/822,619			
Applicant Han Nee		Filing Date: April 12, 2004				
Group Art: 1774						
U.S. PATENT DOCUMENTS						
Examiner Initial	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	Filing Date If appropriate
	6,790,503	09/14/04	Nee			
	* 6,232,036	05/15/01	Suzuki et al.			
	* US 2003/0180495 A1	09/25/03	Ito et al.			
	* US 2003/0215598 A1	11/20/03	Nee			
	* 4,404,656	9/13/83	Cornet et al.			
	* 4,405,994	9/20/83	Cornet et al.			
	* 4,450,553	5/22/84	Holster et al.			
	* 4,709,363	11/24/87	Dirks et al.			
	* 4,998,239	3/5/91	Strandjord et al.			
	* 5,090,009	2/18/92	Hamada et al.			
	* 5,093,174	3/3/92	Suzuki et al.			
	* 5,171,392	12/15/92	Iida et al.			
	* 5,325,351	6/28/94	Uchiyama et al.			
	* 5,391,462	2/21/95	Arioka et al.			
	* 5,415,914	5/16/95	Arioka et al.			
	* 5,419,939	5/30/95	Arioka et al.			
	* 5,498,507	3/12/96	Handa et al.			
	* 5,620,767	4/15/97	Harigaya et al.			
	* 5,640,382	6/17/97	Florczak et al.			
	* 5,820,994	10/13/98	Gotoh et al.			
	* 6,007,889	12/28/99	Nee			
	* 6,280,811	08/28/01	Nee			
	* 6,451,402	09/17/02	Nee			
	* 5,853,872	12/29/98	Shimamori et al.			
	* 5,753,413	05/19/98	Nishida et al.			
	* 5,948,497	09/07/99	Hatwar et al.			
	* 5,093,174	03/03/92	Suzuki et al.			
	* 6,544,616	04/08/03	Nee			
	* 6,007,887	12/28/99	Hatwar et al.			
	* 6,228,457	05/08/01	Ueno et al.			
	* US2003/0081537	05/01/03	Shinotsuka			
	* US2002/0150772	10/17/02	Nakai et al.			
	* US2003/0003395	01/02/03	Yuzurihara et al.			
	* US2003/0008236	01/09/03	Yamada et al.			
	* US2002/0122913	09/05/02	Nee			
	* US2002/0034603	03/21/02	Nee			
	* 5,673,251	09/30/97	Suzuki et al.			
	* 6,242,068 B1	06/05/01	Preuss			
	* 6,292,457 B1	09/18/01	Preuss et al.			
	* 6,351,446 B1	02/26/02	Weinzerl et al.			
Examiner			Date Considered			
Examiner: initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.						



INFORMATION DISCLOSURE CITATION: (Use several sheets if necessary) Page 2 of 3				Atty. Docket No.: 7272-53		Serial No.: 10/822,619		
				Applicant: Han Nee				
				Filing Date: April 12, 2004		Group Art: 1774		
FOREIGN PATENT DOCUMENTS								
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							Yes	No
	*	03286432A	12/17/91	JP				
	*	05012710	1/22/93	JP				
	*	07014221A	1/17/95	JP				
	*	07105575A	4/21/95	JP				
	*	08297858	11/12/96	JP				
	*	09007226	1/10/97	JP				
	*	08158147	1/19/98	JP				
	*	08149725	12/2/97	JP				
	*	08115029	11/28/97	JP				
	*	08050199	9/19/97	JP				
	*	08019648	8/15/97	JP				
	*	08014667	8/5/97	JP				
	*	08035523	8/5/97	JP				
	*	07139459	12/17/96	JP				
	*	07076177	10/18/96	JP				
	*	07038628	9/13/96	JP				
	*	07223758	5/17/96	JP				
	*	06253971	5/17/96	JP				
	*	06206963	3/22/96	JP				
	*	06225691	3/8/96	JP				
	*	06141602	1/12/96	JP				
	*	06143042	1/12/96	JP				
	*	06123718	12/22/95	JP				
	*	06111259	12/8/95	JP				
	*	07116045	12/8/95	JP				
	*	07036958	10/13/95	JP				
	*	06065594	10/3/95	JP				
	*	05312129	6/27/95	JP				
	*	05277809	4/25/95	JP				
	*	05251824	4/21/95	JP				
	*	05249821	4/4/95	JP				
	*	05233110	3/31/95	JP				
	*	05179739	3/20/95	JP				
	*	05215547	3/17/95	JP				
	*	05195011	2/21/95	JP				
	*	06107566	1/6/95	JP				
	*	05115763	11/25/94	JP				
	*	05215634	9/30/94	JP				
Examiner				Date Considered				
Examiner: initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.								



INFORMATION DISCLOSURE CITATION: (Use several sheets if necessary) Page 3 of 3				Atty. Docket No.: 7272-53		Serial No.: 10/822,619		
				Applicant: Han Nee				
				Filing Date: April 12, 2004		Group Art: 1774		
FOREIGN PATENT DOCUMENTS								
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							Yes	No
	*	04-176039	06/23/92	JP				
	*	WO 00/21079	4/13/00	PCT				
	*	WO 97/22968	06/26/97	PCT				
	*	273193/96	10/18/96	JP				
	*	324133/92	11/13/92	JP				
	*	325406/94	05/10/93	JP				
	*	25515/99	07/03/97	JP				
	*	WO 02/2054396	07/11/02	PCT				
	*	2,401,389	07/11/02	CA				
	*	2000-402146	07/11/02	JP				
	*	2000-228032	08/15/00	JP				
	*	10-177742	06/30/98	JP				
	*	403025737	02/04/91	JP				
	*	411012734	01/19/99	JP				
	*	0 798 401 A2	10/01/97	EP				
	*	0 720 159 A2	07/03/96	EP				
	*	0 745 985 A2	12/04/96	EP				
	*	0 737 966 A1	10/16/96	EP				
	*	07-006427	01/10/95	JP				
	*	XP-002260270	06/12/92	JP				
	*	0 917 137 A1	05/19/99	EP				
	*	0 867 868 A2	09/30/98	EP				
NON PATENT DOCUMENTS								
*Examiner Initial		PUBLICATION						
	*	English Translation of PCT Publication No. WO 00/21079.						
	*	English Translation of EP Publication No. 0 594 516 B1						
	*	English Translation of JP Publication No. 02-192046						
	*	English Translation of JP Publication No. 10-011799						
	*	English Translation of JP Publication No. 09-212915						
	*	English Translation of JP Publication No. 07-105575						
	*	BOND, W.L. Notes on Solution of Problems in Odd Job Vapor Coating, J. Optical Society of America, June 1954, pp. 429-38, Vol. 44, No. 6.						
Examiner				Date Considered				



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Han H. Nee

Application No.: 10/822,619

Filed: April 12, 2004

METAL ALLOYS FOR THE REFLECTIVE
OR THE SEMI-REFLECTIVE LAYER OF
AN OPTICAL STORAGE MEDIUM

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) Before the Examiner:
) Not Yet Assigned
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) Group Art Unit
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BRIEF SUMMARY OF LITIGATION INVOLVING
RELATED PATENTS AND APPLICATIONS.

THIS PAPER IS BEING FILED AS AN
INFORMATION DISCLOSURE STATEMENT IN ORDER TO COMPLY WITH THE
APPLICANT'S DUTY TO DISCLOSE UNDER MPEP § 2001.06.

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is being submitted as part of an Information Disclosure Statement to inform the Office that the parent patents of the aforementioned continuation patent application are currently involved in litigation in the United States District Court for Western District of New York, Buffalo Division, Civil Docket No. 1:30-cv-00276-RJA-VEB. Though the present application is not a reissue application and though the pending claims of the present application are not themselves the subjects of a lawsuit, the instant Information Disclosure Statement is being offered in response to the suggestion contained in MPEP §2001.06 that the existence of litigation and issues raised therein should be brought to the attention of the patent examiner.

The patents currently involved in the New York suit are U.S. Patent Nos. 6,007,889; 6,286,811; 6,451,402; and 6,544,616. Among the opposing party's defenses, the opposing party

has asserted that claims 10 and 35 of U.S. Patent No. 6,286,811 and claim 73 of U.S. Patent No. 6,544,616 are invalid over the prior art. And as best as the applicant can presently understand, the opposing party positions are that:

--claim 10 of '811 is allegedly invalid under 35 USC §§ 102 or 103 over the combination of EP 0594516 to Hatwar combined with European Patent Application No. EP 0737966 to Kaneko, U.S. Patent No. 5,640,382 to Florczak, U.S. Patent No. 4,450,553 to Holster, or European Patent Application EP 0720159 to Moriaya;

--claim 35 of '811 is allegedly invalid under 35 USC §§ 102 or 103 over the combination of Japanese Unexamined Patent Application 07-105575 or Japanese Unexamined Patent Application 10-011799 combined with European Patent Application No. EP 0737966 to Kaneko, U.S. Patent No. 5,640,382 to Florczak, U.S. Patent No. 4,450,553 to Holster, or European Patent Application EP 0720159 to Moriaya, and

--claim 73 of '616 is allegedly invalid under 35 USC §§ 102 or 103 over Japanese publication 09-212915 to Miyashita or U.S. Patent No. 4,404,656 to Cornet combined with European Patent Application No. EP 0737966 to Kaneko, U.S. Patent No. 5,640,382 to Florczak, U.S. Patent No. 4,450,553 to Holster, or European Patent Application EP 0720159 to Moriaya.

Copies of all these references have been submitted to the patent examiner.

The opposing party in this lawsuit has also asserted that the Applicant is guilty of inequitable conduct in the above-named litigation. In this regard, the opposing party has:

--alleged that the Applicant had a duty to translate into English, all of the Japanese references the Applicant submitted to the patent office as prior art. (Applicant submitted copies of the readily available, Official English language abstracts of these references.);

--alleged that the Applicant intentionally withheld the English language abstract for Japanese

Unexamined Patent Publication 02192046 from the patent office (an English language

translation of the entire document was submitted to the patent office the day after it was received from the opposing party);

--alleged that the Applicant intentionally withheld U.S. Patent No. 4,404,656 to Cornet from the patent office (a copy of the reference was submitted to the patent office within days after the omission was discovered), and

--alleged that the Applicant has intentionally not informed the patent office that the above-identified patents were in litigation.

Applicant also informs the Office that the district court hearing the suit has recently found in favor of the Applicant on all the foregoing issues. Details of that opinion can be found at *Williams Advanced Materials, Inc. v. Target Technology Company, LLC*, 2004 WL 1811397 (W.D.N.Y. August 11, 2004) (Nos. 03-CV-276-A, 03-CV-280-A)(enclosed).

The Applicant also wishes to bring to the attention of the Office that the parent patents of the aforementioned continuation patent application are currently involved in litigation in the United States District Court for the District of New Mexico, Civil Docket No. 04-0008 BDB DJS. Though the present application is not a reissue application and though the pending claims of the present application are not themselves the subjects of a lawsuit, the instant Information Disclosure Statement is being offered in response to the suggestion contained in MPEP §2001.06 that the existence of litigation and issues raised therein should be brought to the attention of the patent examiner.

The patents currently in that litigation are U.S. Patent Nos. 6,007,889; 6,286,811; 6,451,402; and 6,544,616. Among the opposing party's defenses, the opposing party has asserted that claims of these patents are invalid under 35 USC § 102 or 103 over U.S. Patent No. 6,232,036 or that the patents do not meet the requirements of 35 USC § 112. No further details

are presently available.

Brief Litigation Summary

Inventor: Han H. Nee

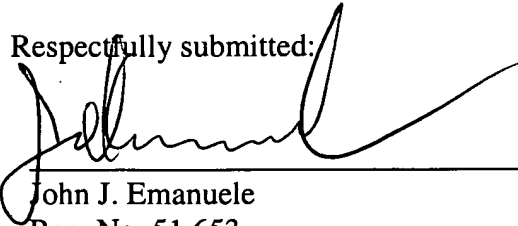
Page 3 of 4

The Applicant also wishes to bring to the attention of the Office that the parent patents of the aforementioned continuation patent application are currently involved in litigation in the United States District Court for the Central District of California Civil Action Nos. SACV04-1083 DOC (MLGx) and SACV04-1084 CJC (Anx). The Applicant avers that the Opposing parties have infringed and are continuing to infringe the claims of the Applicant's United States Patent No. 6790503. As of the date of the filing of this IDS, to the best of the Applicant's knowledge, none of the Opponents named in the California District Court cases have filed a response with the court.

If the Office requires any addition information concerning the aforementioned litigation or any other information relating to the prosecution of the pending application the Applicant respectfully requests that the Office contact the undersigned either telephonically or by mail in the next Official Action with the inquiry.

Should the Office require any additional information concerning the aforementioned litigation or any other information relating to the prosecution of the pending application the Office may at the Office's convenience contact the undersigned either telephonically or by mail in the next Official Action with the inquiry.

Respectfully submitted:



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